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NASA Procedural Requirements

COMPLIANCE IS MANDATORY**NPR 3300.1C**Effective Date: November 01,
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Request Notification of Change

 (NASA Only)

Subject: Employment, Appointment Authorities, and Details

Responsible Office: Office of Human Capital Management[| TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) | [Chapter5](#) | [Chapter6](#) | [Chapter7](#) | [Chapter8](#) |
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Chapter 7. Term Appointments under the NASA Flexibility Act

7.1 General Provisions

7.1.1 This chapter applies to the term appointment and conversion flexibilities codified under

5 U.S.C. 9806. The law allows the Agency to make term appointments for not less than one year and for up to a maximum of six years.

7.2 Exclusions

7.2.1 This authority may not be used in connection with a political appointee who holds a position that has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character (Schedule C position) or a position in the SES as a non-career appointee as such term is defined in 5 U.S.C. § 3132(a).

7.3 Making or Extending Term Appointments for up to Six Years

7.3.1 When filling positions or extending appointments under the term authority covered in this chapter, management shall certify, in addition to the specifications of 5 CFR § 316.301(a), that at least one of the following criteria is met:

- a. There is no clear long-term need for additional capacity in the skill or skills of that position.
- b. Projects and/or institutional work to which the incumbent of the position could be assigned are not secure enough to assure full-time utilization of the position beyond a certain period of time.

7.3.2 If the above criteria is not met, the position shall be filled using permanent appointment authorities. Management should consult with their HR Specialist to discuss appropriate fill strategies.

7.4 Vacancy Announcements

7.4.1 Vacancy announcements for term positions will include the following language:

- a. The position has the potential to be extended for up to a maximum of six years, even if the initial appointment period is for a shorter period to allow non-competitive extensions when necessary.
- b. Individuals selected under this announcement may be eligible for conversion to a permanent appointment under the provisions of 5 U.S.C. § 9806(b).

7.4.2 Announcements for permanent positions may include a statement that term employees who meet the requisite eligibility criteria may apply and compete under competitive placement procedures and, if selected, be converted to permanent appointment.

7.5 Requirements for Non-competitive Conversions from Term appointments.

7.5.1 Basic requirements for conversions of term employees:

- a. The employee was selected for the term position under Title 5 competitive procedures and the announcement stated that the individual(s) selected may be eligible for conversion to a permanent appointment.
- b. The individual has at least two years of continuous service under a term appointment in the competitive service.
- c. The individual has a fully successful or better performance rating. Formal performance documentation for the entire two-year period is required to support this determination.

7.5.2 In addition to meeting all of the criteria in paragraph 7.5.1, an employee is eligible for non-competitive conversion to a permanent appointment in a position that:

- a. Is in the same geographic location as the term position currently held.
- b. Is in the same occupational series as the term position currently held.
- c. Has no greater promotion potential than the term position currently held.

7.5.3 Term employees have no entitlement to a non-competitive conversion to a permanent appointment. Management has the option to terminate the appointment on the not-to-exceed date or require competition.

7.6 Competitive Conversions

7.6.1 Term employees who do not meet all of the requirements for non-competitive conversion may be considered under competitive placement procedures.

7.6.2 When management does not approve a non-competitive conversion, employees may apply for vacancy announcements open to term employees with conversion eligibility under the NASA Flexibility Act of 2004.

7.7 Referring Term Employees for Selection under Competitive Placement Procedures

7.7.1 Term employees may apply to any vacancy announcement that is open to term employees with conversion eligibility.

7.7.2 Qualified term employees will be referred on the list of candidates eligible for non-competitive selection for positions that have no greater promotion potential than the term position currently held.

7.8 Advising Employees

7.8.1 HR Offices will inform new term employees appointed under 5 U.S.C 9806 about the provisions of the Agency term authority when they are appointed.

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